

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated April 4, 2006. Reconsideration and allowance is respectfully requested in view of the amendments made and the remarks made below.

1. The Rejections under 35 U.S.C. §112, Second Paragraph

Claims 1-13 and 21 were rejected in the Office Action under §112, Second Paragraph, with three bases for the rejection being set forth. The first basis for rejection was that it was felt that the phrase “positioned between” was unclear. Applicant has amended independent claims 1 and 21 to replace the offending phrase with “connecting.”

The second basis for the §112 rejection was that it was felt that the entire tamper evident band would not remain attached to one of the lid and body. Applicant has accordingly amended claim 1 to specify that “at least a portion of said tamper evident band is designed to remain attached to at least one of said body portion and said lid portion upon opening of said closure.”

The third basis for the rejection was that the phrase “a plurality of tamper evident bands” (the Office Action referred to claim 13, but Applicant believes that it intended to refer to claim 10) was felt to be confusing. Accordingly, Applicant has amended claim 10 to change the language to a “plurality of tamper evident band projections.”

Withdrawal of the §112, Second Paragraph rejections is respectfully requested.

2. The Rejections and The Allowable Subject Matter

Claims 1, 3-8, 11-13, and 21 were rejected in the alternative under 35 U.S.C. § 102(b)/103 as being anticipated by U.S. Patent No. 5,662,245 to Grant. Claim 2 was rejected under §103 based on a proposed combination of Grant and U.S. Patent 6,631,820 to Harrold. Claim 10 was rejected under §103 based on Grant alone.

The Office Action also indicated allowability for the subject matter in claim 9. Applicant has amended independent claims 1 and 21 to include the limitations that were in claim 9, so those claims and the claims depending therefrom should be allowable.

Applicant has also presented new claim 22, which is similar to amended independent claim 1 but it defines the gripping structure that is defined on said lid portion for facilitating gripping by a consumer in a direction that is necessary to defeat said tamper evident band during opening more generically than does claim 1. Applicant respectfully submits that this claim defines over the prior art of record.

2. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner Hylton that a telephone interview would expedite prosecution of this patent application, she is respectfully invited to telephone the undersigned at 215-599-0600. Contact with the undersigned via electronic mail at jknoble@patentwise.com is hereby authorized¹ per MPEP 502.03.

Respectfully submitted,

/JLK/

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¹ Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.